

# Notice of Allowability

Application No.

09/934,926

Examiner

Paul Callahan

Applicant(s)

GRAWROCK ET AL.

Art Unit

2137

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed October 18, 2006.
2. ☒ The allowed claim(s) is/are 33-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date Attached .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action, when taken together with the cancellation of the rejected claims in the after-final amendment filed 10-18-06, is persuasive in overcoming the outstanding rejections of the claims and, therefore, the finality of that action is withdrawn.
2. Claims 1-3 and 33-49 were pending in the application at the time of the previous Office Action. Via the amendment filed 10-18-06 claims 1-3 are cancelled. Therefore claims 33-49 remain pending and have been examined.
3. This application is in condition for allowance except for the presence of claims 4-32 directed to inventions non-elected without traverse. Accordingly, claims 4-32 have been cancelled by Examiner's Amendment shown infra.

## **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Justas Geringson on October 30, 2006.

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The application has been amended as follows:

IN THE CLAIMS:

Claims 4-32 are cancelled.

Claim 33 is amended as follows; the first line of claim 33 should now read:

33. ~~An instruction conveying means~~ A machine readable medium storing instructions  
for instructing an

Claim 40 is amended as follows; the first line of claim 40 should now read:

40. ~~An instruction conveying means~~ A machine readable medium storing instructions  
for instructing an

IN THE SPECIFICATION:

On page 3 of the specification:

Line 6 is amended to read:

Grawrock et al. as inventors, now abandoned; and

Line 7 is amended to read:

(B) US Ser. No. 09/564,672 filed May 3, 2000, now US Patent 6,339,828

Line 8 is amended to read:

as a divisional of US Ser. No. 08/864,297, now US Patent 6,081,893

***Allowable Subject Matter***

5. Claims 33-49 are allowed.

6. The following is an examiner's statement of reasons for allowance:

The closest prior art in the field, Orita 5,163,147 and Rager 5,12,721, do not teach the combination of features found in the independent claims of the Applicant, particularly including:

As per claims 33 and 40; the second testing step of the Applicant wherein a determination is made as to whether access constraining control information is available in an internal and physically secure storage area, and subsequently attempting to import the access constraining information if it is determined to be absent, and if the attempt to import reveals that the access constraining information is unavailable, determining if the access control information is necessary for an intercepted data-access request, or file closing request, to be completed normally, and blocking the access request if it is determined that the access constraining information is necessary.

As for claim 48; the intercept of a request to close a file, and a close-continuance means, responsive to an open-intercept means, for determining whether an intercepted file-close request is requesting the close of a file for which a close request is to be denied based on associated access constraining rules.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

October 30, 2006

PEC

A handwritten signature in cursive script, appearing to read "Paul Callahan".